

23528-030
Patent**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER

Applicant: Linda M. Smith, *et al.*
Serial No.: 09/645,292
Filed: 08/24/2000
For: TARGETED MARKETING
SYSTEM AND METHOD

Confirmation No.: 3365
Art Unit: 3622
Examiner: Janvier, Jean D.
Attorney Docket No: 23528-030

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile
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Date: 9/8/06 By: Leslie Hoffmann
Leslie Hoffmann

SEP 08 2006

RESPONSE TO REQUEST FOR INFORMATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Response is being filed in response to the Office Communication mailed June 8, 2006 requesting information regarding the companies identified during the telephonic interview held herein on April 10, 2006. The June 8, 2006 Office Communication refers to "Amway," however the Applicants' representative did not refer to Amway during the interview but, rather, to Mary Kay and EZFace.

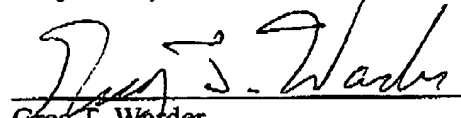
Item 3 of the Office Communication requests the names of products incorporating the claimed subject matter. The website for Mary Kay Inc., www.marykay.com, includes a link (www.marykay.com/whatsnew/virtualmakeover/default.aspx) that allows a user to apply makeup to an image of a model. The website for EZface Inc., www.ezface.com, includes a link (www.ezface.com/ActiveX/index.html) that allows the application of makeup combinations on either the user's image or a model. The Applicants do not have sufficient details of either product to determine whether the products incorporate the claimed subject matter. The links to the websites are being provided for the sake of completeness and to comply with the Applicants' duty

of disclosure. In addition, the Applicants bring to the attention of the Examiner the following patent relating to EZface, which was recently discovered: US 6,937,755, issued on August 30, 2005. This patent and the two websites listed above will also be disclosed in an Information Disclosure Statement.

Item 4 of the Office Communication requests a rigid comparison of the alleged infringing products along with supporting documents concerning place and dates of use and sale. The Applicants do not have sufficient details of the Mary Kay or EZface products to determine whether they infringe all the elements recited in independent claims 21, 33, and 46. Thus, the Applicants are not at this time alleging infringement by these products and are not submitting a rigid comparison.

This Response to Request for Information is accompanied by a Petition for One-Month Extension of Time to extend the due date from August 8, 2006 to September 8, 2006. The Commissioner is hereby authorized to charge any additional fees which may be required by this Response to Response to Request for Information, or credit any overpayment, to Deposit Account No.50-1847 of Manatt, Phelps & Phillips.

Respectfully submitted,



Greg T. Warder

Registration No. 50,208

MANATT, PHELPS & PHILLIPS LLP

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Palo Alto, California 94304

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650-213-0286 Facsimile

20160649.1

PTO/SB/17 (01-08)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
for FY 2006☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$240.00)

Complete If Known

Application Number	09/645,292
Filing Date	August 24, 2000
First Named Inventor	Linda M. Smith
Examiner Name	Jean D. Janvier
Art Unit	3622
Attorney Docket No.	23528-030

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SEP 08 2006**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-1847 Deposit Account Name: Manatt, Phelps & Phillips

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity	Fee (\$)	Fees Paid (\$)
Each claim over 20 (including Reissues)	50	25	
Each independent claim over 3 (including Reissues)	200	100	
Multiple dependent claims	360	180	
Total Claims	Extra Claims	Fee (\$)	Fees Paid (\$)
- 20 or HP =	x	=	
HP = highest number of total claims paid for, if greater than 20			
Indep. Claims	Extra Claims	Fee (\$)	Fees Paid (\$)
- 3 or HP =	x	=	
HP = highest number of independent claims paid for, if greater than 3			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
- 100 =	/50 =	(round up to a whole number)	x	=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Ext of Time - One Month (small entity): fee pursuant to 37CFR 1.17(p) 240.00

SUBMITTED BY

Signature	Registration No. 50,208 (Attorney/Agent)	Telephone (650) 812-1321
Name (Print/Type)	Greg T. Warder	Date September 8, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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manatt
manatt | phelps | phillips**Fax Transmission**Manatt, Phelps & Phillips, LLP
11355 West Olympic Boulevard, Los Angeles, California 90064-1614
Telephone: 310.312.4000 Fax: 310.312.4224**RECEIVED**
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Re:	ATTORNEY DOCKET NO. 23528-030	SEP 08 2006
Application Serial No.:	09/645,292	

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Application No.	09/645,292	Examiner	Jean D. Janvier
Inventor(s)	Linda M. Smith	Art Unit/Conf. No.	3622/3365
Filed	August 24, 2000	Attorney Docket No.	23528-030
Title:	TARGETED MARKETING SYSTEM AND METHOD		

Pages:	10

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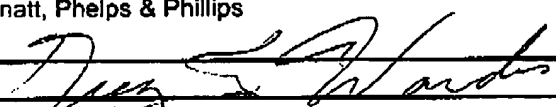
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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/645,292	RECEIVED CENTRAL FAX CENTER SEP 08 2006
	Filing Date	August 24, 2000	
	First Named Inventor	Linda M. Smith	
	Art Unit	3622	
	Examiner Name	Jean D. Janvier	
Total Number of Pages in This Submission	Attorney Docket Number	23528-030	

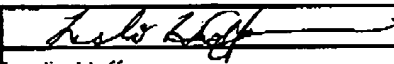
ENCLOSURES (Check all that apply)		
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Manatt, Phelps & Phillips		
Signature			
Printed name	Greg T. Warder		
Date	September 8, 2006	Reg. No.	50,208

CERTIFICATE OF TRANSMISSION/MAILING

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Signature		
Typed or printed name	Leslie Hoffmann	Date
		September 8, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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